REMARKS

Claims 1-18 are pending in this application. Claims 1-8, 11-13 and 14-18 are rejected under 35 U.S.C. §102(b) as being anticipated by Cao, U.S. Patent No. 6,236,506 (hereinafter "Cao"). Claims 9,10, and 14-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cao in view of Trutna, Jr., et al., U.S. Patent No. 5,140,599 (hereinafter "Trutna"). Reconsideration of the rejections is hereby solicited in view of the foregoing amendments and the following remarks.

With regard to the rejection of claim 1 under U.S.C. §102(b), claim 1 has been amended to highlight patentable aspects of the present invention that may not have been fully appreciated. Specifically, claim 1 has been amended to include the step of "disposing a variable polarization control device in at least one of the first pathway and a second pathway so that light propagation differences in the polarization medium of the device are equalized." Applicants respectfully submit that Cao does not teach or otherwise suggest this step. Thus, applicants submit that amended claim 1 is patentably distinguishable from Cao and is in condition for allowance.

Claim 2 has been amended to include "a variable polarization control device disposed in at least one of the first bidirectional pathway and a second bidirectional pathway." Applicants respectfully submit that Cao does not teach or suggest this element. Accordingly, applicants submit that amended claim 2 is patentably distinguishable from Cao and is in condition for allowance.

Claims 3-8 and 11-13 depend from claim 2, now believed to be in condition for allowance, and include all the structural and/or operational relationships of claim 1. Consequently, Cao also fails to teach or suggest the elements of claims 3-8 and 11-13. Therefore, claims 3-8 and 11-13 are submitted to be in condition for allowance.

With regard to the rejection of claims 14-18 under 35 U.S.C. §102(b), the Office Action does not discuss why these claims have been rejected under 35 U.S.C. §102(b). Regardless, applicants respectfully submit that Cao does not teach or otherwise suggest the elements recited in claim 14. Therefore, claim 14, and claims 15-18 depending therefrom, are submitted to be in condition for allowance.

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Cao in view of Trutna. Claim 9 depends from claim 2 and incorporates all of the elements of claim 2. As described above with respect to claim 2, Cao fails as an anticipatory reference. Consequently, Cao fails to teach or suggest the apparatus of claims 2 and 9. Furthermore, applicants respectfully submit that neither Cao nor Trutna, alone or in combination, teach or suggest the structural and/or operational relationships claimed in rejected claim 9. Even when combined with the acousto-optic tunable filter (AOTF) of Trutna, the resulting combination of Cao and Trutna fails to render unpatentable the elements recited in claim 9. The Cao and Trutna references appear to be individually self-sufficient for solving the problems they purportedly solve, so there would be no incentive to one skilled in the art to use parts from or add to any of the cited references. Further, there is no suggestion in either prior art reference, express or implied, to combine the reference in the manner suggested in the Office Action. Cao does not suggest using an AOTF, nor does Trutna suggest using an AOTF in an optical circulator. Notably, Trutna requires the use of *two* AOTFs in a single bidirectional light pathway to achieve a desired Doppler shift of frequency for tuning a laser oscillator. See, for example, Trutna, column 2, lines 30-36. Consequently, the combination of the two AOTFs of Trutna with the apparatus of Cao teaches away from the current invention as recited in claim 9. Thus, for all of the above reasons, applicants respectfully submit that neither Cao nor Trutna, singly or in combination, anticipates claim 9.

Claim 10 depends from claims 2 and 9 and incorporates all of the elements of claims 2 and 9. As described above with respect to claim 2, Cao fails as an anticipatory reference. Consequently, Cao fails to teach or suggest the apparatus recited by claims 2, 9, and 10. Furthermore, applicants respectfully submit, for at least the reasons described above with respect to claim 9, that neither Cao nor Trutna, alone or in combination, teach or suggest the structural and/or operational relationships claimed in rejected claim 10. Therefore claim 10 is believed to be in condition for allowance.

Independent claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Cao in view of Trutna. Applicants respectfully submit that neither Cao nor Trutna, alone or in combination, teach or suggest the structural and/or operational relationships claimed in rejected claim 14. Even when combined with the acousto-optic tunable filter (AOTF) of Trutna, the resulting combination of Cao and Trutna fails to render unpatentable the elements recited in claim 14. The Cao and Trutna references appear to be individually self-sufficient for solving the problems they purportedly solve, so there would be no incentive to one skilled in the art to use parts from or add to any of the cited references. Further, there is no suggestion in either prior art reference, express or implied, to combine the reference in the manner suggested in the Office Action. Cao does not suggest using an AOTF, nor does Trutna suggest using an AOTF in an optical circulator. Notably, Trutna requires the use of two AOTF's in a *single* bidirectional light pathway to achieve a desired Doppler shift of frequency for tuning a laser oscillator. See, for example, Trutna, column 2, lines 30-36. Accordingly, the combination of the two AOTF's of Trutna with the apparatus of Cao teaches away from the current invention. Thus, for all of the above reasons, applicants respectfully submit that neither Cao nor Trutna, singly or in combination, anticipates claim 14.

Claims 15-18 depend from claim 14, now believed to be in condition for allowance, and include all the elements of claim 14. For at least the reasons described above with regard to the rejection of clam 14 under 35 U.S.C. §103(a), applicants respectfully submit that neither Cao nor Trutna, singly or in combination, anticipates claims 15-18. Therefore, claims 15-18 are submitted to be in condition for allowance.

Reconsideration of the application and allowance of claims 1-18 are respectfully requested. Under 37 CFR 1.34, Attorney signing below asserts that he is authorized to represent the applicants.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY that this Amendment is being FAXED to: U.S. Patent Office at **703-872-9306** on this 14th day of October, 2004.

James H. Beusse